

0003.001 ADEQ TRIBAL GOVERNMENT POLICY

Level One Arizona Department of Environmental Quality

Originator: Russell F. Rhoades

Contact For  
Information: Mark Santana

Issue Date: February 4, 1994 Amended: May 9, 1997

**PURPOSE**

This policy establishes basic principles for the Department of Environmental Quality to work with tribal governments in the State of Arizona.

**INTRODUCTION**

The Arizona Department of Environmental Quality (ADEQ) is charged with preserving, protecting and enhancing the environment and the public health of the citizens/residents of the State of Arizona. However, there are 21 tribal governments within the State of Arizona that have jurisdiction over approximately 28% of the land base. The State of Arizona and Tribes share the recognition that the environmental integrity of entire ecosystems cannot be regulated in isolation; pollution is not restricted by political boundaries. As a result, ADEQ and tribal governments both have practical interests in assuring that pollution sources are effectively regulated throughout Arizona.

Environmental problems cross political boundaries, thus encouraging cooperation in environmental protection. Coordination efforts on environmental programs could provide a model and a practical basis for overall state-tribal cooperation. It is primarily through specific, program-level interactions that mutual trust and understanding are developed.

The Environmental Protection Agency (EPA) has assisted in funding State environmental program development for over 20 years. However, EPA has provided only limited funds to Tribes. As a result, a de facto imbalance exists between the development of state and tribal environmental management and regulatory capabilities. ADEQ believes that this policy will encourage the development of tribal management and regulatory capacity.

**POLICY**

The ADEQ recognizes the sovereignty of tribal governments and their jurisdiction over lands within Indian country as defined by federal law. (The definition in federal law includes all lands within a reservation [18 U.S.C.A. §1151].) ADEQ will not assert authority over Indian country.

ADEQ recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the environment within Indian country.

ADEQ supports the strengthening of tribal capacity for environmental management and regulation. ADEQ support will be provided in the interest of the state and will not be used as the basis for assertion of State authority within Indian country.

ADEQ is committed to developing cooperative relationships with Tribes, and will respect the environmental concerns of Tribes. ADEQ requests that Tribes show similar respect for the environmental concerns of the State of Arizona.

Without tribal consent, ADEQ will not solicit and asserts no claim to EPA resources that would otherwise be provided directly to Tribes.

### RESPONSIBILITY

Responsibility for the enforcement of this policy lies with the division directors, section managers, and the Office of Administrative Counsel.

### PROCEDURES

1. ADEQ will assist tribal governments to develop environmental programs by providing technical assistance, sharing data, conducting joint tribal-state projects, and cooperatively resolving environmental issues to the extent resources allow.
2. ADEQ will not conduct any activity within Indian country without first receiving an invitation from the appropriate tribal official.
3. ADEQ will enter into Intergovernmental Agreements or Memoranda of Understanding when considered mutually appropriate by ADEQ and a Tribe.
4. ADEQ will work cooperatively with Arizona Tribes to increase EPA funds for environmental activities within the state so that additional funds are available for Tribes.
5. ADEQ will work cooperatively with interested Tribes to develop state and tribal capacity so that each, within their jurisdictions, can assume full responsibility for federal environmental programs.
6. ADEQ will conduct training, when appropriate and as resources allow, to encourage and improve departmental/tribal understanding and communication.
7. ADEQ will provide early notification to Tribes about decisions that may affect them; ADEQ requests reciprocity by Tribes.

8. ADEQ will not attempt to impose state environmental fees or taxes on tribes or tribal entities that operate solely within reservation boundaries.
9. ADEQ will not attempt to impose state environmental fees or taxes upon non-tribal activities within tribal reservation boundaries.
10. ADEQ will open its training programs to tribal officials and staff whenever possible.
11. ADEQ will share appropriate technical information and data with Tribes; ADEQ requests that Tribes share appropriate technical data as well.
12. ADEQ staff will relay tribal issues, including requests from tribes for technical assistance, to the division director as quickly as possible.
13. ADEQ staff will obtain approval from their division director before initiating contacts with tribes. This does not apply to referral of complaints to the tribes or contact on ongoing issues previously approved by the division directors.



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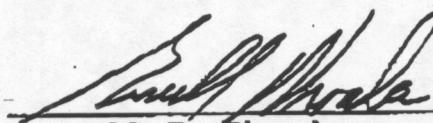
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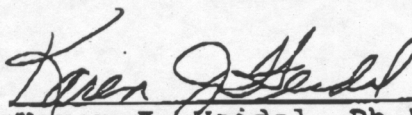
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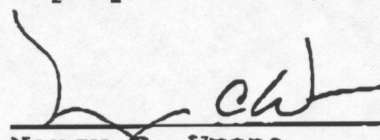
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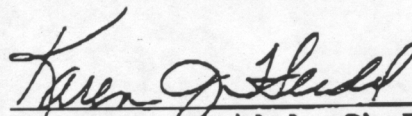
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